

ZULIMA V. FARBER
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street, Fifth Floor
Post Office Box 45029
Newark, New Jersey 07101
Attorney for the State Board of Veterinary Medical Examiners

RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
on this date of: 7-24-2006

By: Olga E. Bradford
Deputy Attorney General
(973) 648-3696

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF

ERROL J. CADY, D.V.M.

TO PRACTICE VETERINARY MEDICINE
IN THE STATE OF NEW JERSEY

:
:
:
:
:
:
:
:
:
:
:

Administrative Action

CONSENT ORDER

This matter was opened to the State Board of Veterinary Medical Examiners (hereinafter referred to as the "Board") following the Board's review of a consumer complaint filed by Clarence and Louise Leifeste, on or about December 1, 2003, concerning the services rendered by the respondent Errol J. Cady, D.V.M. to their then six (6) year old Cocker Spaniel, "Buffy" from August 7, 2003 to October 15, 2003. In their complaint to the Board, Mr. and Mrs. Leifestes contended that Dr. Cady engaged in negligence and misdiagnosis in his treatment of Buffy.

The Leifestes presented Buffy to Dr. Cady, at the Marne Veterinary Clinic ("Clinic") on August 7, 2003, complaining that the dog had been limping. The respondent diagnosed Buffy with arthritis and prescribed Butazolidin/Phenylbutazone. Dr. Cady refilled the prescription, at the owners' request, without any blood tests or renal monitoring of Buffy.

On October 11, 2003, Buffy was brought to the Clinic with infected sores on his head. Neither Dr. Cady nor his associate were at the Clinic. Buffy's wounds were therefore cleaned and antibiotics were dispensed by Clinic staff members. The dog was later seen by Dr. Cady on October 14th. The owners complained that Buffy was not eating well, the sores were not healing and Buffy had a fever. Dr. Cady, following his examination of Buffy, administered an antibiotic injection and sent him home. Again, no blood work or renal monitoring tests were performed on Buffy.

On October 15th, Buffy was again presented to the respondent at the Clinic with continued complaints that he was not eating well and was lethargic. Blood was drawn and antibiotics were again dispensed. Dr. Cady again sent Buffy home with his owners. Later the Leifestes were advised by Dr. Cady that the blood test results indicated that the dog had a low white blood count. He recommended that Buffy be hospitalized at a twenty-four (24) hour facility for intense treatment.

The owners, later on October 15th, took Buffy to Columbus Central Veterinary Hospital. The veterinarian at that Hospital suspected Buffy was suffering from Butazolidin/Phenylbutazone toxicity and, after additional treatment and testing, referred Buffy to the Veterinary Specialty and Emergency Center, in Langhorne, Pennsylvania. The dog was admitted in the Center for stabilization. He was later tested for and diagnosed with Butazolidin/Phenylbutazone toxicity. Specifically, the veterinarian diagnosed pancytopenia secondary to phenylbutazone toxicity and secondary sepsis. Buffy's condition continued to deteriorate and he was ultimately euthanized on October 16, 2003.

In correspondence dated December 20, 2003, Dr. Cady provided the Board with a written response to the owners' complaint. He confirmed the medical history of Buffy at his Hospital. He indicated that in August 2003, when he first placed Buffy on the Butazolidin, he decided to have blood drawn after the first course of phenylbutazone since Buffy previously had a blood workup in January 2003. Therefore, no blood test was performed in August 2003.

Dr. Cady further advised in his letter that on October 15th, he expressed great concern about Buffy's low white blood count and emphasized to the owners that the dog needed to be hospitalized for immediate care and treatment. By October 17, 2005, he had not

heard from the owners but was contacted by a veterinarian at the Langhorne Center and advised of Buffy's euthanasia. Finally, Dr. Cady advised that he has prescribed Butazolidin/Phenylbutazone for arthritis many times in his career and that this was the first case of toxicity causing pancytopenia he had encountered in thirty-seven (37) years of practice.

The Board, following its review of the entire record in this matter, finds that Dr. Cady engaged in repeated acts of negligence, in violation of N.J.S.A. 45:1-21(d), in that he: 1) prescribed and/or authorized refills of a non-steroidal anti-inflammatory drug without providing the proper medical follow-up and diagnostic testing); and 2) failed to recognize the symptoms of drug toxicity and treat the condition appropriately. The Board concludes that this conduct constitutes a basis for disciplinary action against Dr. Cady.

Additionally, the Board concludes that Dr. Cady violated or failed to comply with its patient records regulation, N.J.A.C. 13:44-4.9, in that the patient records for Buffy failed to contain information required by the regulation, including, but not limited to, documentation relative to Buffy's October 11, 2003 visit to the Hospital at which time infected wounds were examined and cleaned, and triple antibiotic ointment was dispensed. The omission of this treatment information from the patient records constitutes a

violation of N.J.S.A. 45:1-21(h), and specifically N.J.A.C. 13:44-4.9, and therefore establishes a basis for disciplinary action.

It appearing that the respondent desires to resolve this matter; and the respondent acknowledging and not contesting the findings of fact and conclusions of law as articulated above and made by the Board; and the Board having been satisfied that the within resolution adequately protects the public health; safety and welfare; and for good cause shown:

ACCORDINGLY, IT IS ON THIS

day of

JULY 2006, ORDERED that:

1. The respondent, Errol J. Cady, D.V.M., is hereby formally reprimanded for engaging in repeated acts of negligence, contrary to N.J.S.A. 45:1-21(d), in that he: 1) prescribed and/or authorized refills of a non-steroidal anti-inflammatory drug without providing proper medical follow-up and diagnostic testing and 2) failed to recognize the symptoms of drug toxicity and treat the condition appropriately.

2. Dr. Cady is also hereby formally reprimanded for violating or failing to comply with the patient record regulation by omitting treatment information as required by, and in violation of, N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.9,.

3. Dr. Cady is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the aggregate amount of **\$1,500.00** for engaging

in repeated acts of negligence in violation of N.J.S.A. 45:1-21(d); and for record keeping violations contrary to N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.9. Payment for the civil penalty shall be submitted no later than ten (10) days from the entry of this Consent Order, by certified check or money order, made payable to the State Board of Veterinary Medical Examiners and shall be forwarded to Leslie Aronson, Executive Director, Board of Veterinary Medical Examiners, 124 Halsey Street, Sixth Floor, Post Office Box 45020, Newark, New Jersey 07101. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By: _____
ALFRED R. SCERNI, Esquire
President

I have read and understand the within
Consent Order and agree to be bound
by its terms. Consent is hereby given
to the Board to enter this Order.

Errol J. Cady D.V.M.
ERROL J. CADY, D.V.M.

DATE: 7-19-06

Consent as to form and entry:

William A. Garrigle
WILLIAM A. GARRIGLE, ESQUIRE
Attorney for the Respondent

DATE: 7-13-06